

Notice of Allowability

Application No.

10/625,141

Applicant(s)

NOWITZ ET AL.

Examiner

LINH BLACK

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/30/07.
2. ☒ The allowed claim(s) is/are 28-52 (Renumbered as 1-25).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

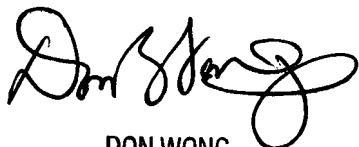
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



DON WONG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Judy Kadoura and Steve Lawrenz on July 25, 2007.

The application has been amended as follows:

The claims have been amended as follows:

In the claims document dated 1/16/07,

As of claim 52, in the preamble, after "A computer memory containing....for associating metadata with a media entity",

Add: "residing in a data store having a map, "

after: "comprising:"

Delete: ~~"a category identifying one or more media entities:"~~

after: "metadata that"

Delete: ~~"applies to each media entity in the category"~~, **Add:** " , when attributed to a media entity, indicates that the media entity belongs to a distinguished category; and"

after: "one or more rules for automatically identifying", **Delete:** ~~"a media entity belonging to the category based on user input designating a portion of a map of the data store containing the media entity as corresponding to the category"~~, **Add:** "at least one identified media entity belonging to the distinguished category based on the at least one identified media entity residing in a user-designated portion of the map of the data store, at least one of the rules having been generated by:

identifying a first media entity located within the data store;

receiving user input that identifies the first media entity as belonging to the distinguished category;

receiving user input designating the portion of the map of the data store containing the first media entity as corresponding to the distinguished category; and

attributing the metadata to the first media entity indicating that it belongs to the distinguished category;"

after: "such that the contents of the data structure", **Delete:** ~~"may be used to automatically associated the metadata with identified media entities belonging to the~~

category.”, **Add:** “are adapted for use to automatically associate the metadata with at least one media entity belonging to the category by:

automatically identifying a second media entity located within the designated portion of the map; and

based upon the location of the second media entity within the designated portion of the map, automatically attributing the metadata to the second media entity indicating that it belongs to the distinguished category.”

The following is an examiner’s statement of reasons for allowance:

The prior art of record fails to teach the limitations of independent claims 28, 40, and 52, particularly: “”, is not found in the prior art of record.

Perkes (US 2003/0110503) and Omoigui (US 2003/0126136) do not explicitly teach “receiving user input that identifies the first media entity as belonging to a distinguished category; receiving user input designating a portion of a map of the data store containing the first media entity as corresponding to the distinguished category; attributing metadata to the first media entity indicating that it belongs to the distinguished category; automatically identifying a plurality of media entities located within the designated portion of the map; and based upon the location of each of the plurality of media entities within the designated portion of the map, automatically

attributing metadata to each of the plurality of media entity entities indicating that it each of the plurality of media entities belongs to the distinguished category.”

Dependent claims 29-39, and 41-51 incorporate the listed limitations by reference and contain limitations that further distinguish over the art of record. For these reasons, claims 29-39, and 41-51 are considered allowable over the art of record.

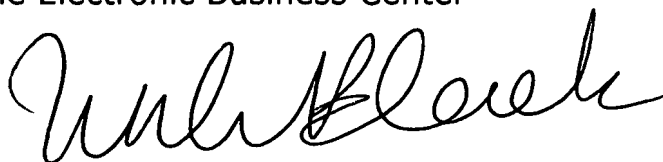
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH BLACK whose telephone number is 571-272-4106. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

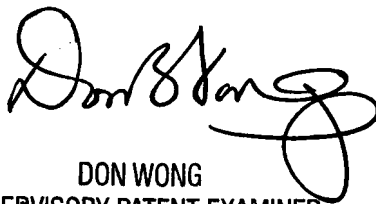
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LINH BLACK
Examiner
Art Unit 2163

July 30, 2007



DON WONG
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